

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Case No. 5:16-mj-90 (TWD)

CLIF J. SEAWAY,
Defendant.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
On or about the date(s) of 2004 to 2014 in the county of Onondaga and Oswego in the Northern District of
New York the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a)	Sexual exploitation of a minor

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Lon Ziankoski, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/2/2016

Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Lon Ziankoski, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent assigned to Homeland Security Investigations (HSI) within the Department of Homeland Security and have been employed in that capacity since September 2011. I am currently assigned to the HSI office in Syracuse, New York where I am responsible for conducting investigations of criminal violations of immigration and customs laws and related statutes. As an HSI Special Agent my duties include the enforcement of federal criminal statutes involving child exploitation laws. I have worked closely with other law enforcement officers who have engaged in numerous investigations involving child exploitation and child pornography and who have received training in the area of child pornography and child exploitation. Since becoming employed as a federal agent, I have completed the Criminal Investigator Training Program and ICE Special Agent Training at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have also received Internet Crimes Against Children (ICAC) certification in Undercover Chat Investigations. Prior to appointment as an Agent, Affiant was employed as an Oswego County Sheriff's Deputy for approximately two years. I served honorably in the United States Army, 10th Mountain Division as a Non-Commissioned Officer with deployments in support of Operation Enduring Freedom and Operation Iraqi Freedom. Your affiant has earned a Bachelor's Degree in Biology from Rochester Institute of Technology, a Doctorate in Chiropractic from Palmer College, and a Master's in Business Administration from Sul Ross Texas State University.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses

enumerated in Title 18, United States Code, Section 2516(1). As a Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the production of child pornography in violation of Title 18, United States Code, Section 2251(a).

3. I make this affidavit in support of a criminal complaint and arrest warrant charging Clif J. SEAWAY with knowingly employing, using, persuading, inducing, or enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce, in violation of Title 18 United States Code, Section 2251(a)

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and on my experience and training as a Special Agent. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Clif J. SEAWAY has violated Title 18, United States Code, Section 2251(a).

Details of the Investigation

5. Based upon a child exploitation investigation by the New York State Police, Computer Crimes Unit, on February 24, 2016 Honorable Don Todd, Justice, Oswego County Court, issued a search warrant for the Fulton, New York residence of SEAWAY. The search warrant was executed on February 24, 2016 and approximately 57 pieces of evidence were seized from SEWAY's residence.

6. Investigator Michael Eckler of the NYSP CCU conducted an on-scene preview examination of items seized from Target A's residence. In his examination of an HP 1 terabyte

external hard drive (manufactured in Malaysia), Inv. Eckler identified approximately 101 gigabytes of saved images and video files that constitute child pornography within the meaning of 18 U.S.C. § 2256(8). A substantial amount of these images and video files are of homemade production of child pornography. These images include visual depiction of sexual abuse of multiple child victims performed by multiple adult suspects. Some, but not all of the depicted child victims have been identified and interviewed by law enforcement. Some, but not all of the adult suspects have been identified and interviewed by law enforcement. During the preview, a folder named [child victim 1 (V-1)]. V-1's true identity is known to your affiant. She was born in 2004, and is currently 11 years old. This folder had subfolders which appear to document the abuse from when V-1 was aged 6 months through nine-and-a-half years of age.

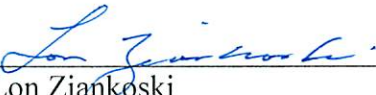
7. After being advised of his *Miranda* rights, SEAWAY waived his rights and agreed to speak with your affiant and Investigator Ben Miller of the NYSP. Your affiant showed SEAWAY a picture of a naked prepubescent girl and a naked adult male in a bathtub that had been recovered by Inv. Eckler from the hard drive. The male is depicted with his hand on the child's head, pushing the girl's face toward a semi-erect penis. SEAWAY identified himself as the male in the photo and the prepubescent girl as V-1. During this interview, SEAWAY admitted to sexually abusing V-1 from age 6 months through nine-and-a-half years of age. SEAWAY also provided information of other suspects participating in the abuse. Your affiant also showed SEAWAY a picture of a naked prepubescent boy with a dog chain wrapped around his penis that had been recovered from the same hard drive. When SEAWAY observed the photo, he identified it as child victim 2 (V-2), born in 1997. Your affiant asked who took the picture and SEAWAY stated he took the picture because it is cute.

8. SEAWAY also provided a sworn statement describing the abuse, and admitted that he continued to have sexual contact with V-1 until she was round 9.5 years old. He further

admitted that he would sometimes photograph and video tape these incidents with a small point and shoot camera. Your affiant showed SEAWAY two cameras obtained during the search warrant at SEAWAY's residence and he stated that he recognized the cameras as items he used to document the abuse.

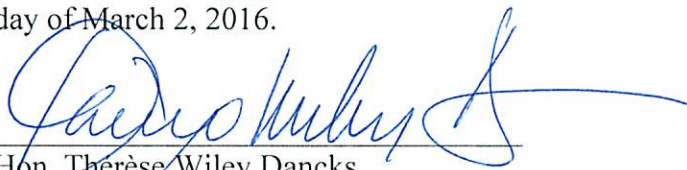
Conclusion

9. Based upon the above information, there is probable cause to establish that Clif J. SEAWAY has violated Title 18 United States Code, Section 2251(a) which prohibits knowingly using, persuading, inducing, or enticing a minor to engage in sexually explicit conduct for the purpose of producing visual depiction using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce. Your affiant therefore requests that a criminal complaint and arrest warrant be issued pursuant to this violation of federal law.



Lon Ziankoski
Special Agent
Homeland Security Investigations

Sworn to me this 2
day of March 2, 2016.



Hon. Therèse Wiley Dancks
United States Magistrate Judge